

Guide for Residential Builders and Property Owners in Determining the Type of Land Use Permit Required – Ministerial¹ (M) or Discretionary² (D) Permits
This Guide is for properties in the INLAND portion of the County (outside of the Coastal Zone)

A		B	C	D
Type of Housing or Activity		(M) or (D)	Criteria that will elevate a ministerial permit to a discretionary permit. (D)	Corresponding Land Use Ordinance Sections (Title 22 of the County Code)
1)	One single-family residence on an existing legal lot in the RR, RS, RSF, RMF, or RL ³ , land use categories	M	1. Site disturbance or impervious surface of one acre or greater in area	(Table 2-3)
			2. Within an Historic “H” designation	(Section 22.14.080.C)
			3. Grading on slopes 30% or greater	(Section 22.52.070.B.2)
			4. When the applicant requests to modify certain standards in the LUO for:	
			a. Fencing	(Section 22.10.080.B.4)
			b. Height	(Section 22.10.090.C.2)
			c. Setbacks	(Section 22.10.140.A)
			d. Parking	(Section 22.18.020.H.1)
			e. Highway corridor design standards	(Sections 22.10.095.B.1, C.4, and D.3)
			f. Landscaping	(Section 22.16.020.C)
			g. Santa Margarita design standards	(Section 22.104.070.E.3)
			h. Templeton design standards	(Section 22.104.090.J.2)
			i. Any Special Use standard in LUO Article 4	(Section 22.30.020.D)
2)	Single-family residences in the AG land use category ³	M	5. Edge of the Nipomo Mesa where projects are unable to meet specified requirements	(Section 22.98.070.B.2 and Figure 98-14)
			6. The first project in each of the Shandon Master Plan areas	(Section 22.104.080.B)
			7. In Templeton adjacent to blue line streams	(Section 22.104.090.A.2.a)
			8. In Avila Valley (RS category only)	(Section 22.106.010.F.1)
			9. In the Lopez Lake Sensitive Resource Area (SRA)	(Section 22.98.020.E.3)
3)	Single-family residences in the REC land use category	M	10. Within the following Tracts: 699, 1280, 1484, 1612, 1626, 1857, 1910 (certain lots), 2292	
			11. Within Tracts 502 or 1516 in order to build outside of the designated building envelope.	
			12. If a previously approved Use Permit or subdivision requires additional discretionary review.	
3)	Single-family residences in the REC land use category	M	1. If the residential units are secondary to a commercial use; <u>and</u> , site disturbance or impervious surface is one acre or more in area, or for 16 units or more.	(Section 22.30.500.A.2 and Table 2-3)
			2. Criteria 2, 3, 4, 6, 7 and 9 through 12 listed above in cell C1.	
			3. On the north side of Avila Beach Drive	(Section 22.106.010.E.1.d(2))

¹ Ministerial Permits include Zoning Clearance and Site Plan applications. These permits are approved at the staff-level with no public hearings. Ministerial projects that are consistent with the Land Use Ordinance must be approved.

² Discretionary Permits include Minor Use Permits, Conditional Use Permits, applications for Variance, and applications for land divisions. Discretionary permits involve a public hearing; and, these applications may be approved, conditionally approved or denied.

³ Two single-family residences are allowed on an existing legal lot in both the Rural Lands (RL) and Agriculture (AG) land use categories.



4)	Individual mobile home	M	1. Criteria 2 through 12 in cell C1 above.	
			2. “Non-standard” mobile homes	(Section 22.30.450.F)
5)	Multi-family projects or applications for multiple single-family residences in a single tract	M	1. Any of the criteria listed above in cell C1.	
			2. For 16 or more units, except San Miguel	(Table 2-3), (Section 22.104.60.A.1.e)
			3. 16 to 24 units in San Miguel that cannot meet certain requirements	(Section 22.104.060.A.1.g)
			4. 25 or more units in San Miguel	(Section 22.104.60.A.1.e and Table 2-3)
			5. For 5 or more units in the Nipomo RMF land use category	(Section 22.108.040.I.2)
			6. Five or more units in Templeton	(Section 22.104.090.A.2.a(3) and Table 2-3)
			7. Four or fewer units in Templeton that cannot meet certain requirements	(Section 22.104.090.K.2)
			8. For 3 or more units in the Oceano RMF land use category	(Section 22.108.050.H.1)
			9. Affordable Housing Density Bonus	(Section 22.12.030)
6)	Multi-family residences in the REC land use category	M	1. Multi-family units as a principal use	(Section 22.80 Use, Principal and Section 22.30.500.A.1)
			2. Multi-family units that are secondary to a commercial use: a. Criteria 1 through 4, 6, 7 and 9 through 12 listed above in cell C1.	(Section 22.30.500.A.1)
			b. For 16 units or more	(Table 2-3)
7)	Single family or multi-family residences as a “principal use” in the CR or OP land use categories See LUO Article 8 – Definitions for Use, Principal	D	1. Residences as a principal use in the CR or OP land use categories are allowed in the following locations: a. The community of San Miguel	(Section 22.30.490.A.2) (Section 22.104.060.E.2)
			b. The community of Templeton in the CR category on Main St. between 8 th and 10 th Streets	(Section 22.104.090.C.4)
			c. The community of Templeton in the OP category on Las Tablas Road	(Section 22.104.090.E.2)
			d. Within the Nipomo Central Business District	(Section 22.108.040.C.1.d)
			2. Residences as a principal use in the CR or OP land use categories are allowed in other locations (not listed above), provided the requirements of Section 22.30.490 are satisfied.	(Section 22.30.490A.3)
8)	Single family or multi-family residences subordinate to a “principal use” in the CR or OP land use categories	M	1. Criteria 1 through 4, 6, 7 and 10 through 12 listed above in cell C1.	
			2. For 16 or more units	(Section 22.30.490.B and Table 2-3)
			3. Multi-family dwellings in the Las Tablas and Vineyard Drive areas of Templeton	(Section 22.104.090.C.2.b)
			4. If a discretionary permit is required for the principal commercial use of the site.	(Section 22.30.490.B)
9)	Secondary dwelling	M	1. When the applicant requests to modify certain design standards	(Section 22.30.470.F.4)
			2. Criteria 1 through 5, 7 and 10 through 12 listed above in cell C1.	
10)	Caretaker residence	M	1. Any of the criteria listed above in cell C1.	
			2. If a discretionary permit is required for the principal commercial use of the site.	(Section 22.60.030.A)
11)	Farm support quarters	M	1. To increase the number of allowable farm support quarters	(Section 22.30.480.B.1)
			2. When the applicant requests to modify standards for group quarters	(Section 22.30.480.C.1)
			3. Criteria 2 through 12 listed above in cell C1.	
			4. If a discretionary permit is required for the principal commercial use of the site.	(Section 22.60.030.A)

12)	Mobile home park	D (Table 2-2 and Section 22.30.440)		
13)	Residential accessory structures Includes: antennas detached garages, greenhouses, guesthouses and home offices, swimming pools and workshop/studios. Does not include garages attached to the primary dwelling	M	1. Criteria 1 through 5, and 7 through 12 listed above in cell C1.	
			2. To modify certain development standards (such as antenna height, or size or location of accessory buildings).	(Section 22.30.410)
13)	Residential Subdivision	D Parcel Map or Tract Map applications pursuant to Title 21 of the County Code.		
14)	Grading associated with residential development	Grading Permits require an Environmental Determination per the California Environmental Quality Act. Projects meeting the following <u>may</u> be exempt from environmental review: projects that are on slopes of less than 10%, involve less than 5,000 cubic yards, do not involve site work in a waterway or wetlands, and are not in a Sensitive Resource Area.		
15)	Significant environmental impacts	D	An environmental determination is required with a Grading Permit (see Row 14); a Site Plan application, if the application is required to include a drainage plan; or, if the project is located in a Sensitive Resource Area (SRA). If an Environmental Impact Report is required, the application is to be processed as a Conditional Use Permit.	(Sections 22.14.100.C, 22.52.090D, and 22.62.040.B.1.a)
16)	Sites with nonconforming uses or structures	D	1. A conforming residence may be added to a site that contains a legal nonconforming use, subject to Conditional Use Permit approval.	(Section 22.72.050)
			2. A separate, conforming residence may be added to a site that has a legal nonconforming structure, subject to use permit approval.	(Section 22.72.060.B)
			3. A destroyed (beyond 75%) legal nonconforming residence may be replaced with Minor Use Permit approval	(Sections 22.72.080.A and B)